

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KEVIN R. SHAY,	)	
	)	
Petitioner,	)	Civil Action No. 19-213
	)	District Judge David S. Cercone/
v.	)	Magistrate Judge Maureen P. Kelly
	)	
WARDEN GILMORE; THE DISTRICT	)	
ATTORNEY OF THE COUNTY OF	)	
ALLEGHENY; and THE ATTORNEY	)	
GENERAL OF THE STATE OF	)	
PENNSYLVANIA,	)	
	)	
Respondents.	)	
	)	

**MEMORANDUM ORDER**

Kevin R. Shay (“Petitioner”) filed a Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254 (the “Petition”) in this Court, seeking solely to attack the way his sentence was being credited.

The case was referred to Magistrate Judge Maureen Kelly in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Civil Rules 72.C and D.

Magistrate Judge Kelly’s Report and Recommendation, ECF No. 43, filed on December 26, 2019, recommended that the Petition be dismissed as moot because, during the pendency of this Petition, the credit against his sentence, which Petitioner had sought in the Petition, was granted to him by the state court at the request of the Respondents. Petitioner was informed that he could file Objections to the Report by January 13, 2020. Petitioner has not filed any Objections as of the date of this Order.

Accordingly, **IT IS HEREBY ORDERED** this <sup>12</sup>16 day of January, 2020, after de novo review of the record and the Report and Recommendation, the Petition for Writ of Habeas Corpus is denied as moot. A certificate of appealability is likewise denied as jurists of reason would not find this disposition to be debatable. The Report and Recommendation is adopted as the opinion of the Court.

BY THE COURT:



---

DAVID S. CERCONE  
UNITED STATES DISTRICT JUDGE

cc: The Honorable Maureen Kelly  
United States Magistrate Judge

KEVIN R. SHAY  
LH1546  
SCI Greene  
169 Progress Dr.  
Waynesburg, PA 15370

All Counsel of record via EM-ECF